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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

DAVID WAYNE GUILLORY : DOCKET NO. 2:07-cv-1683

VS. : JUDGE MINALDI

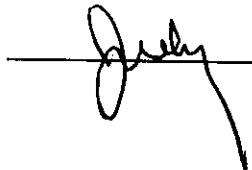
MITCH PELLERIN, ET AL. : MAGISTRATE JUDGE KAY


JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein and after an independent review of the record, and a *de novo* determination of the issues, and having determined that the findings are correct under applicable law; it is **ORDERED** that defendant Invacare's request for costs associated with plaintiff's failure to appear at an independent medical examination [doc. 94] IS GRANTED and that judgment is rendered herein in favor of Invacare Corporation and against plaintiff David Wayne Guillory and his attorney C. James Hicks *in solido* in the full and true sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS.

It is **FURTHER ORDERED** that the portion of defendant's motion seeking dismissal is denied as MOOT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 23 day of

, 2009.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE